

THE HONORABLE THOMAS O. RICE

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*Attorney for Defendants*

IN UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF WASHINGTON

BRIAN TACKETT,

Plaintiff,

vs.

PROVIDENCE SACRED HEART  
MEDICAL CENTER, KAVITHA  
CHAGANUR, MD,

Defendants.

Cause No. 2:24-cv-00262-TOR

DEFENDANT PROVIDENCE  
SACRED HEART MEDICAL  
CENTER AND KAVITHA  
CHAGANUR, M.D.'S ANSWER,  
AFFIRMATIVE DEFENSES

WITH JURY DEMAND

COME NOW Defendants, Providence Sacred Heart Medical Center and Kavitha Chaganur, MD, in response to Plaintiffs' Amended Complaint with Jury Demand dated November 3, 2024 (ECF No. 133) and hereby admits, denies and alleges as follows:

ANSWER - page 1

1 **JURISDICTION AND VENUE**

2 Defendants admit to diversity of the parties. The remainder of the requisite  
3 components of 28 USC Section 1332 are not pled in Plaintiff's Complaint and  
4 are therefore denied.  
5

6 Defendants admit that venue is proper.  
7

8 **PARTIES**

9  
10 Defendants lack sufficient knowledge to form a belief as to the truth or  
11 falsity of Plaintiff's allegation concerning his residency and therefore deny the  
12 same.  
13

14  
15 Defendants admit that Providence Sacred Heart Medical Center is located  
16 in Spokane, Washington. Defendants deny PSHMC is an "association." Any  
17 remaining allegations are denied.  
18

19 Defendants admit that Defendant Kavitha Chaganur is a physician  
20 practicing at PSHMC in Spokane County, Washington. Any remaining  
21 allegations are denied.  
22

23 **SUMMARY**

24  
25 Defendants lack sufficient knowledge to form a belief as to the truth or  
26 falsity of the allegations contained in this section and therefore deny the same.  
27

28  
29  
30 ANSWER - page 2

1        Standard of Care: Defendants deny Plaintiff's allegations concerning the  
2 applicable standard of care, which they understand to be the entirety of this  
3 paragraph.  
4

5        Departure from the Standard of Care: Denied.  
6

7        The Departure Cause the Injury: Denied.  
8

9                                **APPLICABLE FACTS**

10        **First Paragraph**: Defendants lack sufficient knowledge to form a belief  
11 as to the truth or falsity of the allegations contained in this Paragraph and  
12 therefore deny the same.  
13  
14

15        **Second Paragraph**: Defendants lack sufficient knowledge to form a  
16 belief as to the truth or falsity of the allegations in this Paragraph and therefore  
17 deny the same.  
18

19        **Third Paragraph**: Defendants admit that decedent was admitted to  
20 PSHMC in Spokane, Washington. Defendants admit that, at periods of time, care  
21 was provided by Dr. Chaganur. The remaining allegations are denied.  
22  
23

24        **Fourth Paragraph**: Defendants assert that Plaintiff was accurately  
25 diagnosed based upon her complaints and physical symptoms at the time of her  
26 arrival at PSHMC including the stroke that she suffered prior to her arrival.  
27 Defendants deny any remaining allegations.  
28  
29

30 ANSWER - page 3

1 **Fifth Paragraph:** Defendants deny the entirety of the allegations  
2 contained in this Paragraph.  
3

4 **Sixth Paragraph:** Defendants deny the entirety of the allegations  
5 contained in this Paragraph. The allegations are not specific and otherwise do not  
6 permit Defendants to respond in any manner other than a denial.  
7

8 **Seventh Paragraph:** This paragraph consists of a legal conclusion  
9 without factual foundation and Defendants therefore deny the same.  
10

11 **CLAIM**

12 Defendants deny each and every allegation contained in this Section of  
13 Plaintiff's Complaint.  
14

15 **RELIEF**

16 The remainder of Plaintiff's Complaint consists of a prayer for relief to  
17 which no response is required. Insofar as this Paragraph requires a response, such  
18 allegations are denied. Defendants have fully answered Plaintiff's Complaint. To  
19 the extent any allegation contained in Plaintiff's Complaint has not heretofore  
20 been met with a response, such allegation or allegations are denied.  
21

22 **JURY DEMAND**

23 Defendants hereby request trial by a jury of the maximum number  
24 permitted by law of all issues so triable.  
25

26 ANSWER - page 4  
27  
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30

**AFFIRMATIVE DEFENSES**

Without the benefit of having conducted discovery in the process of litigation, Defendants assert the following affirmative defenses:

1. Plaintiff has failed to state a claim upon which relief can be granted.
2. Based upon information and belief, and subject to discovery, Plaintiff may have failed to mitigate their damages, if any.
3. Based upon belief, and subject to discovery, Plaintiff's claimed injuries and damages may be the result of Plaintiff's own actions and inactions.
4. Fault, if any, should be attributed to any party at fault or non-party pursuant to RCW 4.22.070.
5. Defendants acted within the standard of care.
6. Some or all of Plaintiff's claims may be subsumed and foreclosed by RCW 7.70, et seq.
7. Defendants reserve the right to supplement, strike or amend the foregoing list of affirmative defenses in keeping with the course of discovery.

1  
2  
3 DATED this 26th day of December, 2024.

4 EVANS, CRAVEN & LACKIE, P.S.  
5 By: /s/ Markus W. Louvier  
6 MARKUS W. LOUVIER, #39319  
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ANSWER - page 6

**CERTIFICATE OF SERVICE**

I hereby certify that on December 26, 2024, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System which will send notification of such filing to the following:

**Plaintiff, Pro Se**

Brian Tackett

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s/ Markus W. Louvier

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